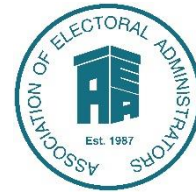# The Association of Electoral Administrators

Response to the UK Parliament Committee Inquiry on Electoral Registration call for evidence

Organisation: The Association of Electoral Administrators (AEA).

Summary of Organisation: Founded in 1987, the AEA is the professional body representing the interests of UK electoral administrators. We are a non-governmental and non-partisan body with over 2,000 members, the majority employed by local authorities to provide electoral registration and election services. Eleven branches of the Association cover the United Kingdom.

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The Terms of Reference for this inquiry are as follows:

- **What are the advantages and disadvantages of the existing system of electoral registration?**

Advantages

- Online registration gives easy access for the public

- Regular audit through the annual canvass

- Local authority based therefore de-risks the system, as the whole system less likely to crash at the same time

- Tried and tested

- Robust against political interference

- Checks against Department of Work and Pensions (DWP) data provide reassurances about elector identity

Disadvantages

- Has become difficult to administer – online processes superimposed on Victorian legislation and decades-old processes such as the five-day objection rule

- Bureaucratic two stage process – completion of canvass form to gather information about eligible residents in a household. This is followed by individuals being invited to register by completing an invitation to register (ITR)

- Leads to event-led registration ahead of major polls, leading to an inefficient use of resources year-round

- Cannot search across registers - proxies, overseas electors and more.
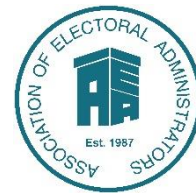
- Registration cut off not ideal for applicants but needed for administration
- Reliant on gov.uk remaining functional, particularly around deadlines
- DWP checks only deal with elector's identity not whether they are resident
- **How does the system of Individual Electoral Registration compare to an automatic or assisted system of voter registration?**
- IER is arguably inefficient – requiring three 'forms' and one personal call
- Responsibility rests with the applicant - this is a positive and a negative
- IER limits fraud compared to the old household system of registration
- Automated information such as student lists and care home lists make for easier registration but also inevitably introduce inaccuracies / unintended dual registrations / unknown registrations
- Accuracy and completeness of databases is crucial
- Automation would lead to need for additional checking mechanisms – with resource and time implications for Electoral Registration Officers (EROs) and electoral administrators
- Automation would potentially pull-in nationals not entitled to register (Wales and Scotland apart) which could mean less accurate registration
- Universities provide an example of major institution registrations, providing a list of names for EROs to approach. This could be improved by enabling checks and then seeking assurance about whether an individual wants to register to vote
- **Which countries have high levels of electoral registration, and what lessons can the UK learn from these electoral registration systems?**

This is not an area we have researched. However, in many countries, eligible electors do not have to register separately as they are automatically included on a national register, for example Norway and Spain. Some countries also link the national register to the receipt of local services. In addition, Australia has a compulsory registration and voting system.

Data Issues

- **How can existing public data and digital methods be better utilised to create a more joined up electoral registration system?**

Consideration should be given to:

- automatic and compulsory registration
- registration being linked to receiving public services and benefits
- access being given to other national data sets held by agencies like the DVLA.

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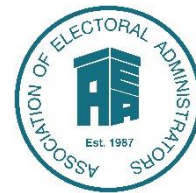
What issues exist regarding cyber security, data and privacy, and how can these concerns be addressed?

EROs are required to publish two versions of the register of electors - full and edited, the latter is also known as the open register.

Electors may choose to have their details withheld from the open register. This is commonly known as 'opted out'.

The full electoral register lists the names of everyone who has registered to vote. Access to it is strictly controlled. The open register lists the names of all electors who have not 'opted out'. Access to the open register is not restricted. It is available for sale to any person who wishes to buy a copy and the data in it may be used for any purpose.

The open register is updated and republished monthly to incorporate any changes to the full electoral register and any specific requests from electors to change their choice to be excluded from, or included in, the open register. As a result, there are no notices of alteration to previously published or sold open registers, only republished versions. Credit referencing agencies are legally able to commercially sell details of any elector appearing on the open register. The ERO must show the letter Z against all opted-out electors in the data supplied to credit referencing agencies (Regs 113 and 114 Representation of the People 2001.

EROs have no control over data that leaves their hands, but are criticised when it is used for other purposes and the open register is not updated by recipients.

We believe the electoral register should be compiled for electoral and other limited purposes only, such as credit and security checks. We do not support the sale of personal data. The Z marker should be removed from the full register data and the edited register abolished. Access to the full register should be strictly prescribed and controlled.

We also question whether the current full register should be available for public inspection, which allows for handwritten notes to be taken under supervision.

- **What issues do electoral registration officers face in relation to electoral data, including access to and sharing of data?**

Access to and sharing of data

Paragraph 1(5) of Schedule 2 to the Representation of the People Act 1983 provides that where the ERO requests to inspect and/or take copies of records under Regulation 35, a statutory or other restriction, including data protection, cannot be used to refuse disclosure of those records. This does not mean that data protection principles do not apply to the access to and transfer of that data, only that it cannot be used as a reason not to disclose.

Notwithstanding these rights, it is recognised some EROs will experience difficulties in gaining access to some local datasets. For example, education records in two tier local authority areas where education sits at County Council level and electoral registration
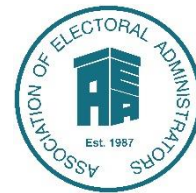
at District Council level. The ERO should seek to establish the right of access as effectively as possible, not only for local confirmation matching but also in the wider context of fulfilling registration duties.

EROs are legally entitled to inspect and make copies of local records such as council tax and customer service records for their registration duties. However, they are not automatically entitled to access and use any additional contact information beyond names and addresses, such as email addresses and phone numbers. In some cases, for example Registrars' death records, there is no legislative provision to share data except by making a physical copy available for inspection.

As a result, where an ERO seeks to access and use additional contact information, such as email addresses and phone numbers from other local authority records, they require:

- A data sharing agreement to be in place between the local authority and the ERO, and
- The local authority to have informed individuals about the potential sharing of such information with the ERO through their privacy notice.

Two versions of the electoral register

At present there are two versions of the electoral register – full and edited, the latter also known as open. We believe the electoral register should be compiled for electoral and other limited purposes only, such as credit and security checks.

Credit referencing agencies are legally able to commercially sell details of any elector appearing on the open register. We believe they make a significant income from full electoral registers sold to them for a low statutory fee; using the data in credit checking reports for the financial industry and others, and selling on data from the open register. There is an incorrect public misconception that local authorities are profiting from the open/edited register, rather than credit referencing agencies and third parties.

With recent changes in Data Protection legislation, the sale of the open register appears incompatible from a citizen's perspective - selling people's personal data to anyone who is interested in buying. Furthermore, potential electors may be deterred from registering by the prospect of having their details sold on.

We firmly believe access to the full register should be strictly prescribed and controlled. The open register should be abolished, and no elector details should be available for sale to undefined third parties.

Impact on Local Authorities

- **What are the challenges presented by event-led registration, and what additional burdens does this place on local authorities?**

Event-led registration has been an issue for all national polls since the introduction of individual elector registration (IER) in 2014. Significant numbers of people register to vote late in the process. On the last day to register to vote at the UK Parliamentary
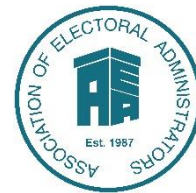
general election (UKPGE) on 12 December 2019, 659,666 applications were made on that one day. In addition, there were also overseas elector applications to be processed and a significant number of absent vote applications.

These applications are made at an electoral administrator's busiest time, further stretching resources to deliver an election. This situation will be exacerbated by Elections Act changes. Over the next two years, these will build to include processing Voter Authority Certificate (VAC) applications, online absent vote applications and increased overseas elector applications following the removal of the 15 year limit. The UKPGE and other electoral timetables have remained the same despite these changes, with calls from some MPs to reduce the UKPGE timetable to an unworkable 17 days

The 2019 registration and absent vote applications outlined above were caused by a national poll. Under current arrangements the costs of these must be met by the ERO and their local authority. They are not funded by central government through election refunds. We believe central government funding should cover additional registration costs which occur as the direct result of a national poll. We have previously made the following recommendation to the UK Government: '*We urge the UK Government to introduce a mechanism where the full costs of registration should be reimbursed to the relevant local authority or Valuation Joint Board where it can be demonstrated that those costs were incurred because of a national electoral event'*.

- **How have the changes introduced by the Elections Act 2022 impacted on electoral registration officers? For example, has this introduced additional administrative burdens on EROs specifically, or local authorities more generally?**

The Elections Act 2022 has introduced significant changes and challenges for both EROs and Returning Officers (ROs). Delayed legislation has resulted in delayed guidance and training.

In the devolved nations the Elections Act only applies to reserved polls. This creates significant challenges and complexity for EROs and ROs as well as introducing confusion for electors.

Tranche 1 changes of the Elections Act will be introduced from 4 May 2023 and include Voter ID in polling stations and accessibility in polling stations.

As part of Voter ID implementation, a free 'Voter Authority Certificate' (VAC) is available from the local ERO for electors who do not hold suitable photo ID. Electors can apply for a VAC via the online 'ERO portal' provided by the Government Digital Service. The ERO portal went live on 16 January 2023. While the public facing end of the portal works well, the same cannot be said for the back end where the ERO processes VAC applications. There are functionality issues and some areas not yet available, with EROs having to provide work arounds.

Requests from electors for a VAC will inevitably be made at the EROs' busiest time. EROs will be administering increased registration levels ahead of an election, often with already stretched resources. The VAC application deadline is 17:00 six working
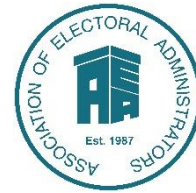
days ahead of a poll. All applications have to be checked for validity and processed in time for the poll.

We remain concerned electors who do not receive their VAC in time for polling day could be disenfranchised. EROs could be impacted by third party supplier failures, particularly an issue close to polling day. For example, a potential Royal Mail strike could result in the elector not receiving their VAC before polling day, with legislation not providing for an emergency proxy in this instance.

We are also concerned electors who make an invalid VAC application at the last minute could be disenfranchised. They will have little time to apply for an alternative form of accepted photo ID ahead of polling day.

Tranche 2 of the Elections Act will see further changes introduced including:

- removal of the fifteen-year rule for overseas electors for voting in UKPGEs, allowing any British citizen living overseas to vote no matter how long ago they left the UK
- postal vote handling changes for individuals, campaigners and political parties
- requiring postal voters to reapply every three years, replacing current rules of refreshing their signature every five years
- variations to EU citizens voting and candidacy rights.

The removal of the fifteen-year rule for overseas electors will create significant challenges for EROs and electoral administrators. In addition to a likely increase in volumes of applications to process and verify, historic electoral registers will have to be retained indefinitely. The Elections Act will extend the registration period for overseas electors from one year to up to three years. However, for the benefits of the extension to be realised, this is still dependent on overseas electors renewing and not re-applying in the weeks prior to a UKPGE.

Overseas elector registration has previously been event driven. It significantly increases the workload of electoral administrators at a time when they are already overstretched administering the delivery of a UKPGE. The repeal of the Fixed Term Parliaments Act means a UKPGE can be held at any time between now and January 2025 in the term of the current Parliament, and at any time during the terms of future Parliaments within a five-year timespan.

Postal vote handling changes will see a set limit on the number of postal votes that can be handed in by any individual at any one time. There will also be a requirement to complete a form when postal votes are handed in, otherwise they will be rejected by the RO.

New applications from postal voters every three years will also increase EROs workload and burden. There will be additional complexity within the devolved nations due to different rules for different elections.

The Association of Electoral Administrators

- **How best can Government support local authorities to alleviate additional burdens and improve accuracy and completeness of their registers?**

For legislative change to be introduced smoothly and successfully, sufficient lead-in time for legislation, guidance, administrative planning, and delivery is required. We believe the Gould Principle must always apply – with changes introduced at least six months before a scheduled electoral event.

The Elections Act introduces significant changes. The secondary legislation for Tranche 1 was delayed, only becoming law in January 2023. This lateness has created its own challenges with guidance also arriving late. It is imperative the secondary legislation for Tranche 2 changes follow the Gould Principle as a minimum.

As outlined in an earlier question, the additional burden to EROs and local authorities following the introduction of the Elections Act is significant. Additional resources will be needed to implement changes. This includes processing VAC applications on a daily basis and increased overseas elector applications. All at a time when local authority resources are already stretched.

While initial funding has been made available for Tranche 1 delivery of the Elections Act, it is crucial full national funding is also available. No additional cost burden should be pushed to local authorities now or in the future.

We have significant concerns about funding and have called for a full review of electoral funding and funding mechanisms in numerous post-election reports. In our 2021 'Blueprint for a Modern Electoral Landscape' we highlighted '*the need for funding electoral registration where it can be demonstrated those costs were incurred directly because of a national electoral event'*. As outlined earlier, registration has now become event driven. Once a UKPGE or national referendum is called, registration applications spike. This incurs significant costs to the local authority from processing applications and postage. These additional costs cannot currently be claimed as part of the election costs claim for running the national poll.

Central funding could also be provided for other initiatives such as:

- Sending empty property poll cards to encourage registration before an election.
- A household notification letter (HNL) following publication of the revised register informing each household:
  - who is registered to vote
  - voter ID requirements
  - deadlines for registration, VAC and absent votes applications
  - it could also include revised polling station locations following the Parliamentary boundary review.

Support could also be provided via access to other national data sets held by agencies like the DVLA or utility providers. This would help EROs improve register accuracy and completeness.

The Association of Electoral Administrators

Annual Canvass

- **Have the Government's recent reforms done enough to improve the annual canvass process, or are further changes required?**

Following canvass reform in 2020, further work is needed to reduce the bureaucracy of the registration process. We believe a full and thorough review is necessary, assessing whether the annual canvass adds value and if the current two stage registration process is effective.

While canvass reform has improved some aspects of the registration process, the dates when amendments can be made to the electoral register have remained the same. With modern expectations raised by online applications and a culture where everything is easily accessible and instant, the current process is outdated.

Once an ERO receives an application to register, a DWP verification process is required, with further evidence requested as needed. There is also a five-day objection period before an ERO can determine whether the applicant can be added to the register or not. Depending on when an application is received, it can be several weeks before an elector is finally added to the register. We believe the register should be a live document, making it accurate all year round. Once an ERO has determined an application, the individual should be added to the register immediately without waiting for the publication of the next alteration notice. A monthly list of alterations should be published only when required.

We have previously called for the electoral register to be defined as one document in law rather than the current three versions (parliamentary electors, local government electors and overseas peers), with the franchise defining which election an elector can vote in.

We also believe a centralised storage of electoral registers should once again be considered. Alternatively, a mechanism could be developed to link each ERO's register, to assist with fraud measures as well as other elements of the electoral process.

Engagement and accessibility issues

- **What are the barriers to eligible electors registering to vote?**

The current registration system is bureaucratic. We believe a full and thorough review is needed. This should look at whether the annual canvass adds value and if the current two stage registration process is effective.

Some potential electors may think they are registered after completing the 'Household Enquiry Form' (HEF), but an individual registration application is only processed on completion of the second 'Invitation to Register' (ITR) form.

As outlined earlier, the registration process is not instant. Current deadlines and application processes mean a potential elector applying to register to vote on the week of the election will be too late.

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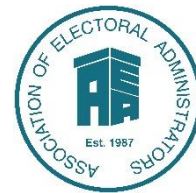
In addition, there is also mistrust of political parties within society which can be a barrier to participating in the democratic process and registering to vote. ONS research from 2022 showed that only one in five (20%) of the UK population reported trust in the political parties.

- **Why are there so many inaccurate entries and duplications on the register? How can they be rectified in a cost-effective manner?**

Inaccurate and duplicate entries can arise from there being no facility for individuals to check online if they are already registered. While registration is now available online, this is not linked to the electoral register so the system cannot identify if a person is already registered. This results in duplicate registrations.

Duplicate applications can increase significantly in the run up to an election. In some cases, applicants will apply to register online more than once. Not understanding the application process, they may expect to be registered instantly and so create duplicate applications.

In recent years the IER digital service and ERO electoral management systems (EMS) have been developed to help identify duplicate applications. While duplicate registrations have reduced, not all duplicates are identified.

In addition, there is no facility for an elector to view their electoral register entry online to check their details are correct. The only way they would realise details are incorrect is when their poll card arrives, or if they were in the category to receive an annual canvass form.

An online database and look up tool facility should be developed to allow individual electors to check their own details on the electoral register. This would help reduce the number of duplicate applications and help ensure electoral register entries are accurate.

- **How can resources be better targeted to ensure better engagement and accessibility for certain demographics?**

It is important people learn at a young age about the importance of registering to vote and voting, including encouragement to engage in democracy when they are old enough. Raising awareness should be developed further as part of education in schools and colleges to reach young people in all areas of the UK.

Lessons should be learned from activity in Scotland and Wales to encourage 14 year olds upwards to register to vote in devolved elections from 16 years old. This has included funding from Welsh Government for community engagement posts in all local authority areas.

Canvass reform changes introduced in 2020, whereby only properties identified as having a possible change of resident/s are canvassed (route 2 and 3 properties) has improved the targeting of resources.

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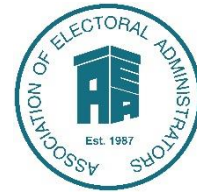
Electoral Management Systems can also now run reports showing canvass response rates for each polling district in a local authority area. EROs can therefore easily identify which areas need further targeting to encourage registration.

As outlined above we believe a full and thorough review is necessary. This should look at whether the annual canvass adds value and if the current two stage registration process is effective. We believe this would free up resources for better engagement and outreach work with harder to reach groups.

Angela Holden

Policy Manager on behalf of the AEA

24 March 2023